

REMARKS

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 22-48 are in the present application. It is submitted that these claims were patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Claims 41-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by De Bey et al. (Published PCT application WO 91/03112). Claims 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey. However, the present claims have been amended to recite: “wherein reading of said stored segment is paused in response to a pause command while the program information is buffering, and whereafter reading of said stored segment is resumed in response to a resume command.” (Claims 22, 30, 41, 43, and 48) These new limitations are similar to limitations in the issued claims of the parent case (i.e. U.S. Patent 5,729,280); which were deemed patentable over the De Bey reference. De Bey simply does not disclose equivalents to the present invention’s “pause command” and “resume command” limitations. Accordingly, for at least this reason, De Bey fails to anticipate the present invention and the rejected claims should now be allowed.

Claims 22-24, 26-35, 37, 40, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey in view of Ullrich et al. (U.S. Patent 5,583,937). Claims 25 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey in view of Ullrich and Blahut et al. (U.S. Patent 5,446,490). Claims 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over De Bey in view of Ullrich and Banker et al. (U.S. Patent 5,357,276). Ullrich, Blahut, and Banker are relied upon solely to meet various limitations in the dependent claims. However like De Bey; Ullrich, Blahut, and Banker fail to meet the present invention's "pause command" and "resume command" limitations. For at least this reason, De Bey in combination with Ullrich, Blahut, and Banker fails to obviate the present invention and the rejected claims should now be allowed.

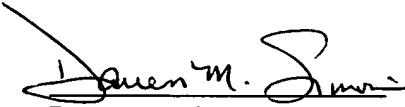
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

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